

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86318835
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86318835/large
LITERAL ELEMENT	COREBIOTICS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
Applicant respectfully disagrees with examiner's refusal based on a likelihood of confusion with the mark in Reg. No. 3850158 and requests that examiner withdraw this refusal. Applicant is contemporaneously with the filing of this response filing a notice of appeal with the Trademark Trial and Appeal Board via fax. A copy of this filing is attached hereto.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://teas-hub.uspto.gov/teas-hublink/PDF/ROA/2016/08/02/20160802104615445896-86318835-001_001/evi_721824317-20160802095324912490_Req_for_recons_and_NOA.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\863\188\86318835\xml21\ROA0002.JPG
DESCRIPTION OF EVIDENCE FILE	Applicant's request for reconsideration and notice of appeal
SIGNATURE SECTION	
RESPONSE SIGNATURE	/jrc/

SIGNATORY'S NAME	Jeffrey R. Cohen
SIGNATORY'S POSITION	Applicant's attorney, Virginia bar member
SIGNATORY'S PHONE NUMBER	7032436333
DATE SIGNED	08/02/2016
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Aug 02 10:46:15 EDT 2016
TEAS STAMP	USPTO/ROA-72.182.43.17-20 160802104615445896-863188 35-550dcc02a16836553c6cc9 9276db8907325dc6112a280e5 841f88525de16b175c-N/A-N/ A-20160802095324912490

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PTO Form 1857 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86318835** COREBIOTICS(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86318835/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant respectfully disagrees with examiner's refusal based on a likelihood of confusion with the mark in Reg. No. 3850158 and requests that examiner withdraw this refusal. Applicant is contemporaneously with the filing of this response filing a notice of appeal with the Trademark Trial and Appeal Board via fax. A copy of this filing is attached hereto.

EVIDENCE

Evidence in the nature of Applicant's request for reconsideration and notice of appeal has been attached.

Original PDF file:

http://teas-hub.uspto.gov/teas-hublink/PDF/ROA/2016/08/02/20160802104615445896-86318835-001_001/evi_721824317-20160802095324912490_Req_for_recons_and_NOA.pdf

Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)**Response Signature**

Signature: /jrc/ Date: 08/02/2016

Signatory's Name: Jeffrey R. Cohen

Signatory's Position: Applicant's attorney, Virginia bar member

Signatory's Phone Number: 7032436333

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86318835

Internet Transmission Date: Tue Aug 02 10:46:15 EDT 2016

TEAS Stamp: USPTO/ROA-72.182.43.17-20160802104615445

896-86318835-550dcc02a16836553c6cc99276d

b8907325dc6112a280e5841f88525de16b175c-N

/A-N/A-20160802095324912490

Via Fax to: 571 273 0059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

App. Ser. No.	86318835
Applicant	Core Nutrition LLC

REQUEST FOR RECONSIDERATION
AND
NOTICE OF APPEAL

REQUEST FOR RECONSIDERATION: Applicant respectfully disagrees with examiner's refusal based on a likelihood of confusion with the mark in Reg. No. 3850158 and requests that examiner withdraw this refusal.

NOTICE OF APPEAL: Notice is hereby given that Core Nutrition LLC appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 86318835. Applicant requests suspension of the appeal pending consideration of the request for reconsideration by the Examining Attorney. The refusal to register has been appealed as to the following classes of goods/services:

- Class 032. First Use: 0 First Use In Commerce: 0

All goods and services in the class are appealed, namely: carbonated and noncarbonated probiotic fruit flavored drinks

Respectfully submitted,

/jrc/

08/2/2016

JEFFREY R. COHEN

Millen, White, Zelano & Branigan, P.C.

2200 Clarendon Blvd Ste 1400

Arlington, VA 22201-3360

UNITED STATES

docketing@mwzb.com, cohen@mwzb.com, mandell@mwzb.com

7032436333

Please charge the following account \$100 for the notice of appeal: Deposit Acct No.: 133402, Code: 6283

/jrc/

Jeffrey R. Cohen